

POLICE DEPARTMENT

Chapter 2.32

POLICE DEPARTMENT¹⁴

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2.32.010 Created - Composition.

There is created a Police Department, an executive department of the city. The director of the Police Department shall be the Police Chief. The membership of the Police Department shall consist of such positions as may be authorized and funded by the Mayor and City Council. Members of the Police Department, including the Police Chief, are to be considered employees of the City.

(Ord. 2008-M-93 § 1; Ord. 2007-M-33 § 1; Ord. 2004-M-87 § 1; Ord. 2000-M-22 § 1; Ord. 1998-M-89 § 1; Ord. 1995-M-31 § 1; Ord. 1994-M-72 § 1; Ord. 1994-M-46 § 1; Ord. 1991-M-91 § 1; Ord. 1991-M-26 § 1; Ord. 1990-M-99 § 1; Ord. 1990-M-50 § 1; Ord. 1989-M-93 § 1; Ord. 1989-M-25 § 1; Ord. 1988-M-28 § 1; Ord. 1987-M-3 § 1; Ord. 1985-M-45 § 1; Ord. 1983-M-15 § 1.)

2.32.020 Appointments, promotion, and vacancy filling.

A. The Chief of Police shall be recommended for appointment by the City Administrator and appointed annually by the Mayor with the advice and consent of the City Council until the first day of May following his or her appointment, except for the following:

1. If the City Administrator determines that the Chief of Police is not satisfactorily fulfilling the duties of the position, the City Administrator, with approval of the Mayor and City Council, may terminate the Chief of Police at any time during the year of appointment.
2. If the Chief of Police demonstrates behavior that would be cause for immediate dismissal, the City Administrator, with Mayor and City Council approval, may terminate the Chief of Police immediately.

If a Chief of Police is terminated prior to the end of his or her term, the Mayor, upon the receipt of a recommendation from the City Administrator, and advice and consent of the City Council may appoint a new Police Chief prior to May 1.

(Ord. 2008-M-93 § 2.)

B. The Deputy Chief, Commander of Investigations, Commander of Patrol, and Commander of Administration shall be exempt rank(s) and position(s) and shall be appointed or promoted by the City Administrator upon the recommendation of the Chief of Police and shall be subject to removal by the City Administrator.

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The provisions of 65 Illinois Compiled Statutes 5/10-2.1-4, as amended, shall not apply to appointments, promotions or removals for the position(s) of Chief of Police, Deputy Chief, Commander of Investigations, Commander of Patrol, and Commander of Administration. (Ord. 2015-M-49 § 1; Ord. 2009-M-57 § 1; Ord. 2008-M-93 § 2.)

- C. Any full-time member of the Police Department appointed as Chief of Police, Deputy Chief, Commander of Investigations, Commander of Patrol, and Commander of Administration unless outlined herein, shall not retain any reversionary rights in any former position and shall not be returned to such position if removed or resigned from his appointed position.

(Ord. 2015-M-49 § 1; 2015-Ord. 2009-M-57 § 1.)

1. Any full-time member of the Police Department holding the rank of Deputy Police Chief, Commander of Investigations, Commander of Patrol, and Commander of Administration upon enactment of this ordinance shall be classified during his or her term in such position as on furlough from the Police Department at the rank to which he or she is entitled under the Board of Fire and Police Commissioners at the beginning of his or her term of office. If he or she resigns or retires from the appointed rank or is removed by the appointing authority, said officer shall revert to his or her permanent rank, if any, in the Police Department as established under statute or City ordinance, unless removed from the department by the Board of Fire and Police Commissioners. If the employee reverts to a prior rank, the employee shall be entitled to all the benefits and emoluments of that rank, without regard as to whether a vacancy then exists in that rank.
2. If a member of the department is appointed to a rank immediately below the Chief in a manner provided by ordinance after enactment of this ordinance and prior to being eligible to retire on pension, he or she shall be considered as on furlough from the Police Department at the rank to which he or she is entitled under the Board of Fire and Police Commissioners at the beginning of his or her term of office until such time as the employee attains pension eligibility. If he or she resigned from his or her appointed rank or is removed by the appointed authority prior to attaining eligibility to retire on pension, he or she shall revert to and be established in whatever rank he or she held immediately prior to his or her appointment to the rank immediately below the Chief and thereafter be entitled to all the benefits and emoluments of that rank without regard to whether a vacancy then exists in that rank, unless removed from the department by the Board of Fire and Police Commissioners. If he or she resigned from the appointment rank or is removed by the appointing authority after attaining eligibility to retire on pension, such employee shall be removed from employment and shall not be returned to any prior rank.
3. The provisions for removal set forth in this ordinance shall not apply where such individual has been discharged for cause by the Board of Fire and Police Commissioners, in which case he or she shall be disqualified as a member of the Police Department.

(Ord. 2015-M-49 § 1; Ord. 2008-M-93 § 2.)

- D. The provisions for removal set forth in this ordinance shall not apply where such individual has been discharged for cause by the Board of Fire and Police Commissioners, in which case he or she shall be disqualified as a member of the Police Department.

(Ord. 2008-M-42 § 9; Ord. 2008-M-6 § 1; Ord. 2007-M-77 § 1; Ord. 2004-M-87 § 1; Ord. 2000-M-22 § 1 & 2; Ord. 1999-M-28 § 1; Ord. 1994-M-72 § 1; Ord. 1978-M-25 § 1 (part): prior code 7.002.)

2.32.030 Powers and duties of Police Chief and department.

- A. The chief of police shall perform the duties that the city council prescribed for the preservation of the public peace, the observance and enforcement of ordinances and laws, and prevention and detection of criminal activity. The chief of police shall, subject to the policies and directions of the mayor, city

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council and city comptroller, have full authority and responsibility for the administration and management of the police department's annual budget. The chief of police shall be responsible for planning, directing, coordinating, controlling and staffing all activities of the department or its continued and efficient operation, for the enforcement of the rules and regulations and city policy within the department, for the completion and forwarding of such reports as may be required by competent authority, and for the department's relations with the citizens of St. Charles, the city government and other official agencies. (Ord. 1988-M-66 § 1)

- B. The Chief of Police and police officers of the City shall be conservators of the peace. All persons specified and authorized by this chapter shall have power:
1. To arrest or cause to be arrested, with or without process, all persons who break the peace, or who are found violating any municipal ordinance or any criminal law of the state;
 2. To commit arrested persons for examination;
 3. If necessary, to detain arrested persons in custody overnight or Sunday in a safe place, or until they can be brought before the proper court; and
 4. To exercise all other powers as conservators of the peace that the City authorities may prescribe.
- C. All warrants for the violation of municipal ordinances, or the state criminal law, to whomsoever directed, may be served and executed within the limits of the city by any police officer thereof. For this purpose, police officers have all the common law and statutory power of sheriffs. (Ord. 2008-M-6 § 2; Ord. 1987-M-3 § 1; 1978-M-25 § 1 (part): prior code § 7.003.)

2.32.040 Fee for Bail/Bond Administration.

The Police Department shall charge an administrative fee of fifty dollars (\$50.00) for the processing of bail or bond of an individual in any legal process, civil or criminal, or on any bookable arrest, including any arrest on a warrant. (Ord. 2011-M-15 § 1; Ord. 2008-M-93 § 3; Ord. 1998-M-89 § 2; Ord. 1978-M-25 § 1 (part): prior code § 7.004.)

2.32.050 Benefits.

Deleted in its entirety.

(Ord. 2008-M-42 § 10; Ord. 1978-M-25 § 1 (part): prior code § 7.005.)

2.32.060 Private occupations.

No member of the city police department shall directly or indirectly engage in the following private occupations within the corporate limits of the city:

- A. A private detective, a private detective agency, or a private detective business, as defined in the following:
1. A private detective business shall consist of the business of making, for hire or reward, an investigation or investigations by a person or persons for the purpose of obtaining information with reference to any of the following matters: crime against a commonwealth or wrongs done or threatened; the habits, conduct, movements, whereabouts, associations, transactions, reputations, or character of any person, firm or corporation; the credibility of witnesses or other persons; the location or recovery of lost or stolen property; the causes, origin or responsibility for fires or accidents or injuries to real or personal property; or concerning the truth or falsity of any statement or representation; or the business of securing for hire or reward, evidence to be used before authorized investigating committees, boards of award or arbitration, or in the trial of civil or criminal cases. The business of furnishing for hire or reward, guard or guards, watchman or watchmen, patrolman or patrolmen, or other persons to protect persons or property, both real and personal, or to prevent theft or the unlawful taking of goods, wares and

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- merchandise, or to prevent the misappropriation or concealment of goods, wares and merchandise, money, bonds, stocks, choices in action, notes or other valuable documents or papers, and shall include any individual who shall for hire patrol, watch or guard any residential, industrial or business property or district, or the business of performing the service of such guard or other person for any of said purposes.
2. A detective agency shall mean and include any person, firm or corporation engaged in the private detective business who employs one or more persons in conducting such business.
 3. A private detective shall mean and include any person who, singly, conducts a private detective s without the assistance of any employee and who is the holder of a certificate of registration issued by the department of registration and education of the state.
- B. The repossession of personal property;
- C. The serving of legal documents or papers that do not arise out of their duties as members of the city police department.
- (Ord. 1978-M-25 § 1 (part): prior code § 7.006.)